

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 3:05-CR-120
	)	(PHILLIPS/SHIRLEY)
GREGORY J. BENOIT,	)	
	)	
Defendant.	)	
	)	

**MEMORANDUM AND ORDER**

All pretrial motions in this case have been referred to the undersigned pursuant to 28 U.S.C. § 636(b) for disposition or report and recommendation regarding disposition by the district court as may be appropriate. This case is before the undersigned on the government's Motion To Continue [Doc. 38] the motion hearing on September 11, 2006, filed on August 18, 2006. Specifically, the government moves this Court for a continuance of the motion hearing scheduled for September 11, 2006 due to a necessary witness for the government is scheduled for surgery on September 5, 2006 and the government's witness will not have recovered sufficiently to travel from Arkansas to Tennessee to attend the hearing.

Pursuant to a telephone conference with defense counsel, who advises the Court that he has no objection to the continuance of the hearing.

For good cause shown, the Court **GRANTS** the government's Motion To Continue the Motion Hearing scheduled for September 11, 2006 [**Doc. 38**]. The Motion Hearing is rescheduled to **September 20, 2006 at 9:30 a.m.** before the undersigned.

**IT IS SO ORDERED.**

ENTER:

s/ C. Clifford Shirley, Jr.  
United States Magistrate Judge